

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
Case No.: 1:14-cv-20213-UU

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

ORDER

THIS CAUSE comes before the Court *sua sponte*.

THE COURT has reviewed the pertinent portions of the record, and is otherwise fully advised on the premises. On March 5, 2014, the Court issued an Order to Show Cause, D.E. 7, ordering Plaintiff to show good cause why the Court may reasonably rely on Plaintiff's usage of geolocation or other technologies to (1) establish the identity of the Defendant and (2) that the Defendant may be found within this district; and to show good cause why this case should not be dismissed for improper venue; and show good cause as to why this case should not be dismissed for improper venue. On March 14, 2014, Plaintiff filed its response to the Court's Order. D.E. 9. Plaintiff has shown that the geolocation software can provide a location for an infringing IP address; however, Plaintiff has not shown how this geolocation software can establish the identity of the Defendant. There is nothing that links the IP address location to the identity of the person actually downloading and viewing Plaintiff's videos, and establishing whether that person lives in this district. For example, when arguing that this IP address is not a coffee shop or open Wi-Fi network, Plaintiff points to the timing of the alleged infringement and the fact that the internet service provider typically provides internet to residences. D.E. 9 at 10. Plaintiff then

argues that a coffee shop owner could possibly identify the Defendant. *Id.* Even if this IP address is located within a residence, the geolocation software cannot identify who has access to that residence's computer and who would actually be using it to infringe Plaintiff's copyright. The Court finds that Plaintiff has not established good cause for the Court to reasonably rely on Plaintiff's usage of geolocation to establish the identity of the Defendant. The Court also finds that Plaintiff has not established good cause as to why this action should not be dismissed for improper venue. Accordingly it is

ORDERED AND ADJUDGED that Plaintiff's Complaint, D.E. 1, is DISMISSED. It is further

ORDERED AND ADJUDGED that, for Administrative Purposes, this case is CLOSED.

DONE AND ORDERED in Chambers at Miami, Florida, this 19th day of March, 2014.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

copies provided: counsel of record